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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,257	07/15/2003	Srinivas Sreemanthula	944-001.115	9732

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EXAMINER
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HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/621,257

Applicant(s)

SREEMANTHULA ET AL.

Examiner

Clemence Han

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,9-17 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,10-17 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3, 10-13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 3 recites the limitation "the congestion window size" in line 8. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 10 recites the limitation "the receiver" in line 4. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 12 recites the limitation "the receiver" in line 4. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 15 recites the limitation "the congestion window size" in line 14. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 1, 14, 16, 17 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagihara et al. (US Pub. 2003/0152032).

Regarding to claim 1, 14, 16, 17 and 27, Yanagihara teaches a method of operation of a telecommunication device, comprising: transmitting segments at a rate of transmission over a communication path to a receiver telecommunication device and increasing the rate of transmission starting from a first starting point for the rate of transmission (S31 in Figure 7), based on feedback received from the receiver telecommunication device (RR in Figure 1); the receiving a message including one or more bits set to convey an indication of low congestion (RR, see Figure 5); and in response to the indication of low congestion (S23 in Figure 7), performing an accelerated start so as to reach maximum throughput in less time by changing to a second starting point greater than the first starting point and greater than the current rate of transmission, and increasing the rate of transmission starting from the second starting point (S31 in Figure 7).

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claim 2 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagihara et al..

Regarding to claim 2 and 22-26, Yanagihara teaches a method of operation of a telecommunication device, comprising: transmitting segments at a rate of transmission over a communication path to a receiver telecommunication device and increasing the rate of transmission starting from a first starting point for the rate of transmission (S31 in Figure 7), based on feedback received from the receiver telecommunication device (RR in Figure 1); the receiving a message including one or more bits set to convey an indication of low congestion (RR, see Figure 5); and in response to the indication of low congestion (S23 in Figure 7), performing an accelerated start so as to reach maximum throughput in less time by changing to a second starting point greater than the first starting point and greater than the current rate of transmission, and increasing the rate of transmission starting from the second starting point (S31 in Figure 7). Yanagihara, however, does not teach the protocol as TCP or the method used in specific network like RAN, EGPRS, GPRS, UMTS or CDMA. The congestion control in those protocol and networks are well known in the art. It would have been obvious to one skilled in the art to modify Yanagihara to be used in different protocol or different network as well known in the art in order to optimize transfer rate in different protocol or different network.

***Response to Arguments***

11. Applicant's arguments filed November 13, 2006 have been fully considered but they are not persuasive. In response to pages 10, the applicant argues that Yanagihara does not teach an accelerated start. Yanagihara teaches an accelerated start (Figure 7) because any method of increasing transmission rate in response to low congestion can be read as an accelerated start as claimed. As long as the transmission rate is kept increasing, the second starting point will be greater than both the first starting point and the current point. Therefore, maximum throughput will be reached in less time than the time it would have taken if the second starting point were same as the first starting point.

***Allowable Subject Matter***

12. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claim 3, 10-13 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. 18.

Clemence Han  
Examiner  
Art Unit 2616



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SUPERVISORY PATENT EXAMINER  
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